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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,374

11/10/2003

Reg Yang

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7590 05/16/2007
PRO-TECHTOR INTERNATIONAL
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,374

Applicant(s)

YANG, REG

Examiner

Rita R. Patel

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 2/21/07. Claims 1-5 are pending. Claims 1-5 have been amended. Applicant's arguments have been fully considered and are persuasive thus former 35 USC 102 rejections have been overcome. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1-5 are finally rejected for the reasons of record.

Abstract

In light of Applicant's submission of an Abstract filed 2/21/07, the former objection over the Abstract has been overcome.

Specification

The prior objection to the disclosure has been overcome due to Applicant's revisions to the Specification filed 2/21/07.

Claim Objections

The objection over claim 1 has been overcome due to Applicant's amendments filed 2/21/07.

Claim Rejections - 35 USC § 112

Former 35 USC 112 rejections over claim 1 has been overcome due to Applicant's amendments filed 2/21/07.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated, or in the alternative, obvious under 35 U.S.C. 103(a) by Olechow (US Patent No. 5,526,835).

Olechow teaches a fluid jet spray drive for a rotatably mounted turntable. The invention of Olechow includes a cabinet 1 which is at once envisaged to form a sealed up body, having therein a turntable 5 (substrate layer) mounted on a vertical shaft 7 associated with sleeve 6 and hub 8 (rotating device). The turntable 5 has attached thereon upper rails 11 (frame layer). Inside the cabinet 1 is a spray manifold (cleaning device) with side spray manifolds that can eject a cleaner in a direction opposite to a

Art Unit: 1746

direction of a centrifugal force of the combination of the substrate and the frame layer.

See Figure 1.

A sealed body is formed in Olechow by tank 2 (lower element), vertical cabinet walls 1 (periphery walls), and it is at once envisaged that the cabinet walls form an upper cover. Cabinets are known in the art to have an entire enclosure. Also, it is desirable to have a cover over such a machine to prevent the manifold spray from misting fluid up and out of the system, thereby avoiding dirtiness and unwanted mess from liquid spewed out the top. Finally, a cover is at once envisaged to be formed by the cabinet 1 to avoid contamination by external materials.

Finally, Olechow fails to indicate whether the cleaning fluid sprayed from the manifolds 3 are comprised of either nitrogen or carbon dioxide. However, the invention of Olechow is fully capable of disseminating both these fluids; it is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963). The manifolds of Olechow are capable of taking in nitrogen or carbon dioxide to be sprayed from the jets. The jets are also capable of spraying nitrogen or carbon dioxide. Olechow is especially capable of disseminating nitrogen or carbon dioxide as it teaches having a pump 4; pumps are known in the art to facilitate spraying high-pressure fluids therefrom.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bertrand et al. (US Patent No. 6,340,395) teaches a wet spray cleaning process capable of holding wafers cassettes on a turntable where they are sprayed by post that disseminates nitrogen.

Harvey et al. (US Pub. No.: US 2002/0166569) teaches an apparatus for cleaning of disc-shaped objects employing a rotational fluid track.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



MICHAEL BARR
SUPERVISORY PATENT EXAMINER